Sl. No. 80.

37-38-39

195 .

File No. 1985/36 II

P. W DEPARTMENT

E BRANCH

ACCESS

Subject:— Irrigation Inquiry Committee

Establishment- in Con with ——

P. 43/E

A [K] 19

E

File No. 1985/36. II

Ltd. Secrt. Slip. 24 A

G.P K.—J H 3 -50,000 -5.54
G. R., G. D No. 2108, dated 22-6-22.]

Correspondence

DOCKET SHEET (B)

Subject:—

File No. 1985/36 II

P. W. DEPT.

6 BRANCH.

References:—

Date,	To whom sent.	Notes instructions,

Note.

An Irrigh. Inquiry Committee has been appointed to examine the whole question of irrign. policy and allied matters. This Committee consists of one Chairman, ten Members and one Secy.

2. Looking to the number of persons on the Committee and the work proposed to be entrusted to them, the amount of the office work in connection with the preparation of cases for the Committee, arranging their meetings, collection of statistical data, consolidation of the evidence given before them, etc., will be very heavy and it will be impossible for the existing staff which is already over-worked, to cope with the extra work. It is, therefore, necy. to engage the following extra staff on the tempy. estabt. to cope with the addnl. work :-

1 Clerk
2 Overseer.

3. In addition to the above, Mr. R.N. Pandya, ~~Asstt.~~Jnr.Asstt. in the Irrign. Ben., who is quite conversant with irrign. matters, will be asked to do the Committee work in addn. to his own duties. There is no doubt that Mr. Pandya will have to do more arduous and responsible work as he will be responsible for all the office work of the Committee. He may, therefore, be given a spl. allowance of Rs. 25 p.m. in addn. to his pay (Rs 250 p.m.)

As re : the posts of one Clerk and one Overseer, the S.E., D.I.C., was asked to spare the services of Mr. N.H. Phadtare, the head clerk and Mr. D.G.Lagu, Overseer.

Their .....

Their pay is Rs 115 (approximately) and Rs. 250 p.m. respectively. The S.E. has intimated that they can be spared and that they will be relieved immediately on receipt of Govt. orders. Messrs. Phadtare and Lagu may be appointed for the Committee work and be given the pay which they are at present getting in the D.I.C. plus compensatory local allowance admissible in Bombay. As the clerk and Overseer are on the mofussil scale of pay it is necy. to grant the clerk as well as the Overseer compensatory local allowance in addn. on account of the high cost of living in Bombay.

4. The staff mentioned above will draw travelling and daily allowance admissible under the rules while on tour. Inplace of the men from the D.I.C., who will be detached for the work, substitutes will be engaged if necessary on the minimum scale of pay.

5. The necy. action as regards the funds to meet the extra cost involved in the above proposals will be taken later.

6. These papers may be refd. u.o. to the F.D. which Deptt. will pl. treat the matter as immediate as the Committee has already commenced its work.

1985/36

P.W. Deptt.

The Committee held a preliminary meeting on the 6th instant, which continued on the 7th and 8th. Already the work has assumed such proportions that it is impossible to cope with it satisfactorily, unless the assistance asked for is immediately sanctioned. This may kindly be done.

D.S.(I & Rly).

I agree.

Id/-
10/1/38.

Secy.

V.Urgent.

U.O. to Secy. F.D. dt. 10th Jan. 1938.

FD may agree with proposals.

ad 11-1-38

U.R to PWD dt 10-1-38

No. 1983/36-E.
Public Works Deptt.
B.C., 19th Jany. 1938.

Memorandum.

Subject:- Estabt. in connection with the Irrign. Inquiry Committee.

.....

With reference to G.R., P.W.D. No. 1983/36, dated the 28-12-37 the A.G., Bombay, is informed, with compliments, that the following temp. estabt. is sanctioned for the Irrign. Inquiry Committee :-

1 Clerk in the revised scale of Rs. 115-5-160 sanctioned for Head clerks of Ex. Engrs.

1 Overseer in the scale of Rs. 60-5-100-E.B. 10-170-E.B.-10-250 of the B.S.E.S.

2. Mr. U.N. Phadtare, Head Clerk in the office of the Ex. Engr. Nasik Irrign. Divn. and Mr. D.G.Lagu, permanent overseer in the D.I.C. are appointed to the temporary posts of the clerk and the overseer respectively on their present rates of pay. They should be granted the Bombay Local allowance in addition under Appendix XVII to the B.C.S.Rs. Manual, Vol. II.

3. Mr. R.N.Pandya, B.A., Jnr. Asstt.in the P.W.D. Secty. should be granted a spl. allowance of Rs. 25 p.m. for the work he has to do in connection with the Irrign. Inquiry Committee in addition to his own duties.

4. While on tour the staff mentioned above should be allowed the t-a- admissible under the rules.

5 .....

5. Orders regarding the source from which the cost of the above estabt. should be met will be issued hereafter.

By order of the Govr. of Bombay.

Id/-
12/1/38.

Through the F.D.

Copy forwarded to -

the Finance Deptt.,
the S.E.,D.I.C.,

for information.

2. The S.E. is requested to relieve Messrs. Phadtare and Loya immediately and to fill up their posts if necessary. By making fresh appointments on the minimum pays admissible.
They should be instructed to report to the Secy.Irrign. Inquiry Committee, Public Works Deptt. Secretariat, Fort, Bombay, immediately.

Id/-
12/1/38.

P S (I & Rys.)
Id 12/1/38

Secy
Submitted
H. M. P. W D.
Id 13/1/38

Done.
Id 14/1/38.

Parnakuti,
Yeravda Hill,
Poona, 30th January 1938.

Dear Mr. Nurie,

The work of the Irrigation Inquiry Committ is making fair progress. We are on tour at present. Evidence was taken in Bombay and Kopargaom and the same is being continued in Poona. Canal and works inspections are also engaging attention as required.

We expect to come to reasonable conclusions, on all important points raised in the Terms of Reference, by about the end of February if Government are pleased to give the Committee the services of two experienced officers of the Irrigation Department to collect data and information urgently needed and to analyse and collate the evidence so far collected. They must be picked men who would work cordially with the Secretary to the Committee.

When your Government enquired by wire whether I would take up this work, I asked how long they expected it would last. The reply was "a month or so." The month is now nearly over. A rough forecast of the time required for completing it is six weeks more. If you give us the staff required, we hope to hand in our report by about the 15th of March. If we are able to do that, you will realise that I shall have spent 2½ months on this inquiry. I am rather hard pressed for time.

I met Mr. H.B. Baxter yesterday evening in Poona and have explained to him our immediate needs. Mr. Mascarenhas, the Committee Secretary, is coming to Bombay tomorrow. He will be able to explain to you in greater detail how work is impeded at present for lack of staff.

I have noticed one or two people have approached Government with a complaint that their representations were not fully heard. We have to exclude irrelevant matter if the investigation is to end within a reasonable time.

After.....

After all essential information is collected, we shall be glad to give all such persons a further hearing if necessary.

The Nira Right Bank Canal requires special treatment because of its slow development. We have arranged to visit the work for two or three days on about the 20th February.

I look forward to meeting you in Bombay about the middle of February. I hope to be able then to indicate more difinitely by what date the reppрt is likely to be ready.

With kind regards,

Yours sincerely,

Sd/-

The Hon'ble
Mr. M.Y. Nurie,
Minister, Public Works,
Bombay.

E.B.

Submitted.

2. Reference is requested to Sir M. Visvesvaraya's letter dated the 30-1-38 and the H.M.,P.W.D's note of the 31st idem. The Secy., Irrign. Inquiry committee and the Secy.,.P.W.D. saw the H.M.,P.W.D. on 31-1-38 and obtained his approval to the entertainment of the following additional temporary staff :-

(a) one Ex. Engr. on Spl. Duty.
(b) Two Asstt. Engrs.
(c) Two typists on Rs.100 p.m. each.

The work of the Committee is expected to last till the 15-3-38.

As regards (a) and (b), it has been decided to detach Mr. N.B.Gadre, Ex. Engr., A'nagar Divn. and Messrs. D.V.Barve Asstt. Engr. and N.C.Patel, Offg. of Deputy Engineer These officers have joined duty. The two typists have also been appointed on Rs.100 p.m. each.

3. As Mr. Phadtare, clerk is taking down the proceedings of the Committee in shorthand in addition to his duties, as well as doing a stenographer's work generally. The Secy. to the Committee has proposed to grant him shorthand allowance of Rs. 40 p.m. from the date he joined duty under the Committee. Mr. Phadtare's speed is 130 words a minute and he was drawing a shorthand allowance of Rs. 40 p.m. When working as a clerk in the S.E., D.I.C's office. The shorthand allowance is admissible to Mr. Phadtare under G.R., F.D. No. 192, dated the 9-3-20 and may, if approved, be granted.

4 .....

4. As regards Mr. Gadre's letter dated the 2-2-38 he is entitled to a personal peon and the arrangement proposed by him may be approved. The revised lowest rate of a peon in the P.W.D. Sectt. is Rs. 19 p.m. A temporary post of a peon on Rs. 19 p.m. may accordingly be created.

5. The cost of pay, t.a. etc. of the staff mentioned above will be debited to the head "18-Other Revenue Expenditure financed from Ordinary Revenue." A statement showing the approximate total expenditure that will be incurred and debited to the head '18' is put up for information. It is too early to state now whether it will be possible to meet the expenditure from savings in the grant under the head '18'. The position is being examined on the basis of the 9 monthly revised estimates and a supplementary grant will be asked for if necessary.

Id/-
9-2-38.

No:1985/36-E.
Public Works Department.
Bombay Castle, 24th February 1938.

Subject: Establishment in connection with the Irrigation Inquiry Committee.

Memorandum.

In continuation of Government Memorandum No.1985/36-E, dated the 15th January 1938, the Accountant General, Bombay, is informed, with compliments, that Government have sanctioned the following temporary posts for work in connection with the Irrigation Inquiry Committee :-

(a) One post of Executive Engineer on Special Duty attached to the Public Works Department Secretariat.

(b) One post of Assistant Engineer in the scale of Rs. 250-20-350 with efficiency bars at Rs.390 and Rs. 550.

(c) One post of Deputy Engineer in the scale of Rs. 170-10-250-E.B.-265-15-400-E.B.-420-20-500.

(d) Two posts of Typists on Rs.100 per mensem each.

(e) One peon on Rs. 19 per mensem.

2. The following officers and the persons mentioned below have been appointed to the posts mentioned in paragraph 1 above with effect from the dates mentioned against each.-

	Date of appointment.
(a) Mr. N.B.Gadre, B.E,A.M.I.E. (Ind.),I.S.E.,Ex. Engr. ...	3rd February 1938.
(b) Mr.D.V.Barve, B.E.,B.S.E, Assistant Engineer. ...	6th February 1938.
(c) Mr.N.C.Patel, B.E.,B.S.E, Officiating Deputy Engineer. ..	4th February 1938.
(d) Mr. R.G.Nadkarni,and Mr. S.G.Joshi.	1st February 1938.
(e) R.B.Barekar, Peon in the office of the Ex. Engr.Ahmednagar Digision.	3rd Febru 1938.

Messrs. N.B. Gadre, Executive Engineer, D.V.Barve, Assistant Engineer and N.C. Patel, Officiating Deputy Engineer, should be granted in addition to their grade pay ~~by~~ the compensatory local allowance under Appendix XV to the Bombay Civil Services Rules Manual Volume II provided the conditions mentioned therin are fulfilled. The allowance should be granted from the dates they first arrived in Bombay.

3. Mr. N.H. Phadtare who has been appointed against the temporary post of the clerk sanctioned in Government Memorandum No. 1985/36-E, dated the 14th January 1938 should be granted a special pay (shorthand allowance) of Rs.40 per mensem with effect from the 19th January 1938.

4. While on tour the staff mentioned above should be allowed the travelling allowance admissible under the rules.

5. The cost on account of the establishment in question as well as of the establishment sanctioned in Government Memorandum No. 1985/36-E, dated the 14th January 1938, should be debited to the head '18-Other Revenue Expenditure financed from Ordinary Revenues - A Irrigation Works (2) Miscellaneous ~~Ex~~ Expenditure". The cost of the special allowance of Rs. 25 per mensem granted to Mr. R. N. Pandya, Junior Assistant in the Public Works Department Secretariat, in Government Memorandum No. 1985/36-E, dated the 14th January 1938, should also be debited to the same head. The requisite source to meet the extra cost involved will be pointed out later.

By order of the Governor of Bombay,

Sd. R. H. Hammett,
Deputy Secretary to the Government of Bombay,
Public Works Department.

D.A.- Nil.

Copy.....

Copy forwarded to -

the Finance Department,

the Superintending Engineer, Deccan Irrigation Circle,

the Superintending Engineer, Central Circle,

The Secretary, Irrigation Inquiry Committee.

The Executive Engineer, Ahmednagar Division,

the Executive Engineer, Khandesh Division,

M. B. Gadre, Esquire, B.E.,A.M.I.E.(Ind.),I.S.E.

D. V. Barve, Esquire, B.E., B.S.E.,

H. C. Patel, Esquire, B.E., B.S.E.

1985/36.
7559

Public Works Department.

E.B.

Submitted.

2. In Government Memorandum No. 1985/36-E, dated the 14th January 1938, and the 24th February 1938, certain establishment for the Irrigation Inquiry Committee has been sanctioned. The Accountant General, Bombay, requests that information on the following points may be furnished :-

(a) The period for which the posts of the Clerk and the overseer have been sanctioned as also the period for which the special allowance of Rs. 25 per mensem is to be granted to Mr. R.N. Pandya, B.A.

(b) Duration of the posts of the Executive Engineer, on special Duty, Assistant Engineer and the Deputy Engineer.

(c) Whether the posts in (b) are to be treated as temporary additions to the I.S.E. and the B.S.E. cadres.

(d) Whether the officers are to be considered as non-touring officers for the purposes of rule 3 of the Appendix XV to the B.C.S. Rs. Manual, Volume II.

(e) The major head to which the Expenditure on establishment is to be debited.

3. It was first expected that the work of the Irrigation Inquiry Committee would be finished within a period of two months. The work of the Committee could not be finished as expected. The report of the Committee has not been signed. Mr. More has since submitted his minute of dissent.

The .... .

The Chairman of the Committee has submitted the Committee's report and Mr. Hore's minute of dissent to Government. The work of the Committee has now to be wound up.

4. Points (a) and (b).- Mr. D. V. Barve, Assistant Engineer, who was attached to the Irrigation Inquiry Committee is on leave for four months with effect from the 10th May 1938, it is for consideration whether the posts of the Overseer, the Executive Engineer on Special Duty, and the Deputy Engineer may be sanctioned till 31st May 1938 and that of the Assistant Engineer till 9th May 1938. Mr. R.N.Pandya may be granted the special allowance of Rs. 25 per mensem till the 31st May 1938. The post of the clerk ~~xx~~ may be sanctioned upto the 23rd May 1938.

In addition to the staff mentioned above, two typists and one peon on the temporary establishment have been sanctioned for the Irrigation Inquiry Committee. The peon's post is vacant since the 4th May 1938. The posts of the two typists may be sanctioned till the 31st May 1938. The appointment of the peon may be ~~---~~ sanctioned till the 3rd May 1938.

5. Point (c).- Under Rule 24 of the Civil Services (Classification, Control and Appeal) Rules, local Govt. can make a temporary addition to the I.S.E. cadre. The B.S.E. is entirely controlled by the Local Govt. The Accountant General, Bombay, may therefore be informed that the posts of Executives Engineer

on .....

on special Duty should be considered as a temporary addition to the I.S.E. cadre and that the posts of the Assistant Engineer and the Deputy Engineer to the B.S.E.cadre.

6. Point (d).- The following officers were away from head-quarters for the work of the Irrigation Inquiry Committee since they joined the Committee in 1938:-

Mr.U.B.Gadre,Ex.Engr. on special Duty (Joined on 5-2-38)	4 days in Feby. 1938. 4 days in March "
Mr.D.V.Barve, Asstt. Engineer. (Joined on 6-2-38)	2 days in Feby. 1938 2 days in " "
Mr. N.C.Patel,Offg. Deputy Engineer. (Joined on 4-2-38).	4 days in Feby. 1938. 4 days in March "

The officers were not on tour in the month of April and May 1938. As they were away from head-quarters for a very few day in the months of February and March they may be treated as non-touring officers for the purpose of compensatory allowance vide rule 3 of the Appendix XI to the B.C.S.Rs.Manual, Volume II. The officers concerned have already drawn compensatory allowance.

7. Point (e).- The expenditure is debited to the head "18-Other Revenue Expenditure financed from Ordinary Revenues- 4- Irrigation Works (2) Miscellaneous Expenditure.

8. On receipt of orders the papers will be referred u.o. to the F.D.

Id/-
20/5/38.

Thro' I.B.

I .....

I agree with O.N. as in paras 5,6 & 7. as regards the proposals made in para 4, the post of an A.E. may be sanctioned till 9th May and that of the second A. E. , the Engr. on Special Duty. Overseer and clerk up to 23rd may. Mr. Pandya may be granted the special allce till 31st May as he will be engaged in winding up the office of the I.I.C. and arranging its records. The peon may be sanctioned till 3rd May and the two typists till 31st May.

Seen.
Id/-
23/5/

as in Dy. Secy's note .

Id/-
23/5.

U.O. to F.D. dt. the 24th May 1938.

P. D.

The P.W.D. proposals re : continuation of the staff detailed in the P.W.D. Dy. Secy's note Dt. 22/5/38 may be agreed to subject to the following remarks.

2. Para 5 of the P.W.D.O.M. dated 20/5/38

The P.W.D. may consult the P. & S.D. regarding temporary additions to the cadre of the I.S.E.

3. Para 6 of the P.W.D. O.M.dt. 20/5/38.

The officers may be treated as non-touring officers.

Id/-
25/5/38.

Id/-
25/5.

U.O. to P.W.D. dt. 25/5/38.

P.W.D.

F.B.

Submitted.

2. In view of para 2 of the F.D. note written, the papers may be referred U.O. to the P. & S.D.

Id/-
28/5/38.

U.O. to P. & S. D. dt. 31-5-1938.

Political and Services Department.

These papers have been referred to this Deptt. with reference to the proposed temporary addition to the I.S.E. cadre. The P.W. Deptt. states that under rule 24 of the Civil Services (Classification, Control and Appeal) Rules, Local Govt. can make a temporary addition to the I.S.E. cadre. The Govt. of India have stated that the Classification Rules so far as they are consistent with the Govt. of India Act 1935, remain in force, while those that are inconsistent are superseded. Recruitment to the I.S.E. has ceased long since. Under section 244 of the Govt. of India Act, 1935, the Secy of State is not responsible, until Parliament otherwise determine, for appointments to the Civil Services known as the Indian Civil Service, the Indian Medical Service and the Indian Police Service (now known as the "Indian Police"). Under Section 245 of the Act the Secy. of State has been authorised, until Parliament otherwise determine, to appoint persons to any civil service of, or civil post.....

post under, the Crown in India, concerned with irrigation, for the purpose of securing efficiency in irrigation in any Province. When recruitment to the I.S.E., except under special circumstances mentioned above, has ceased under the provisions of the Govt. of India Act, 1935, it is doubtful whether any temporary addition to that service can be made by the Provincial Govt. The A.G. may be requested u.o to state whether he agrees with the view taken above.

Id/-
11/6/38.

Id 14/6/38

U.O.R. to A.G. dt. 16/6/38.

A.G.'s Office,
Bombay.

I do not personally see any objection to temporary additions to an all India Service Cadre being made by the Provincial Government, but the question is not quite free from doubt, and the Government may wish to consult the Central Government in the matter.

2. But it appears that a decision on this point is not essential in the case under consideration; for under Fundamental Rule 26(b) an Ir.Cadre is a permanent member of the Indian Service of Engineers his service in a temporary post, while retaining his lien on a post in the I.S.E. will count for increment in the scale of Indian Service of Engineers whether this post is specifically declared to be an addition to the cadre of Indian Service of Engineers or not.

A. G.

U.O.R. to Political and Services Department.

No.G.II-I.S.E./1107.dt. 8th July 1938.

P.A.G.D.

Please see this Department's note dated the 14/6/38 -PP.74-75.

In view of the A.G.'s note overpage this Deptt. may advise P.W.D. not to treat Mr. Gardo's special appt. as a tempy. addition to the cadre ~~of the~~ of the Indian Service of Engineers. It may be treated as tempy. post outside that cadre.

Id/-
11/7/38.

U.O.R. to P.W.D. dt. 14th July 1938.

1935/36.

P. W. D.

E.B.

Submitted with ref. to the notes on pp. 69-72 ante.

2. In view of the F.D. and the P.A.S.D. notes, the draft memo. put up may issue, if approved. It is not necessary to submit this case to the H.M.'s P.W.D., and H.E. the Governor.

Id/-
30/7/36.

No.1985/36- E.
P.W.D.,B.C.,8th August 1938.

Subject:- Estabt. in connection with the Irrigation Inquiry Committee.

....

Mem.

With ref. to the correce. ending with his letter No. G.II-B.S.E./494, dated the 17-5-38, the A.G., Bombay, is informed, with compliments, that the following temporary posts for work in connection with the I.I. Committee have been sanctioned for the periods mentioned against each:-

	Period of appointment.
(a) Ex.Engr. on Spl.Duty attached to the P.W.D. Secretariat.	3-2-38 to the 23-5-38.
(b) Asstt. Engr. in the scale of Rs.250-20-750 with efficiency bars at Rs.390 and Rs. 550.	6-2-38 to the 9-5-38.
(c) Dy. Engr. in the scale of Rs.170-10-250-E.B.-265-15-400-E.B.-420-20-500.	4-2-38 to the 23-5-38.
(d) Clerk in the revised scale of Rs.115-5-160 sanctioned for Head Clerks of Ex.Engrs.	19-1-39 to the 23-5-38.
(e) Overseer in the scale of Rs.60-5-100-E.B.-10-170-E.B.-10-250 of the B.S.E.S.	19-1-38 to the 23-5-38.
(f) Two typists on Rs.100 each p.m.	1-2-38 to the 31-5-38.
(g) One peon on Rs.19 p.m.	3-2-38 to the 3-5-38.

The post of the Ex.Engr. on Special Duty should be trated as tempy. post outside the cadre of the I.S.E. and the posts of the Asstt. Engr. and the Dy.Engr. should be considered as tempy. addn. to the cadre of the B.S.E.

2..../..

2. Mr. U.B.Gadre, I.S.E., Ex.Engr. on Spl. Duty, Mr. D.V.Barve, Asstt. Engr. and Mr. N.C.Patel, Offg. Dy.Engr., should be treated as non-touring officers for the purposes of Rule 3 of the Appendix XV to the B.C.S.Rs.Manual, Vol. II.

3. Mr. R.N.Pandya, B.A., Jnr. Asstt. in the P.W.D. Secty., should be granted the special allowance of Rs. 25 p.m. during the period from the 14-1-38 to the 31-3-38.

4. The cost of the estabt. should be debited to the head '16-Other Revenue Expdre. financed from ordinary Revenues - A.Irrign. works (2) Misc. Expenditure'.

By order of the Governor of Bombay,

Id/-
30/7/38.

Thro' the F.D.

Copy forwarded to -

The F.C.
the S.E., D.I.C.
the S.E., C.C.,
the Ex.Engr., Ahmednagar Dn.,
the Ex.Engr., Dhanadeh Dn.,
U.B.Gadre, Esqu., B.E., A.M.I.E.(Ind.)-
I.S.E.
D.V.Barve, Esq., B.E., B.S.E.,
N.C.Patel, Esq., D.E., B.S.E.,

for information with ref. to G.M. No.1965/36-E, dated the 24-2-38.

Copies to the P.A S.D. and the Ex.Engr. Irrign. Research Dn.

Id/-
30/7/38.

Jdl-8-38

DS (IR)

Jdl. 318/38

To

The Deputy Secretary,

Irrigation Department,

Secretariat, Bombay.

Sir,

The undersigned gave his evidence before the -- Irrigation Committee in its camp at Kopargaon on 27-1-38 The undersigned put forth his grievances against the -- Irrigation Department. The U/S was asked to furnish your honour witll all the facts of his case.

I The U/S planted 3 acres of sugarcane in S. No. 133 of Dhamori on 7-5-1916. Exh. 1

II According to the rules under the Irrigation Act, the undersigned was entitled to get water every ten days; but the Department illegally withheld the water which the undersigned was to receive on 14-10-16, 25-10-16, 14-11-16, 3-12-16, 5-1-17, 3-5-17 and 24-5-17 respectively. The undersigned incurred a loss of Rs. 1500/- owing to the failure of the department to give water. Ex. 1

III In June 1917, the undersigned planted 6 acres of sugar-cane according to new system. Before planting he had applied for water and the application was granted but as he did not get water, he was compelled to remove the plantation. This caused him a loss of Rs. 2500. Ex. 2

IV The undersigned had applied for water (for Rabi Crop) for the period from 15-10-17 to 14-2-18. The application was granted bu t the department did not give water. The undersigned incurred a loss of Rs. 1000/ (Jawari crop withered away for want of water and the wheat seed was wasted). Exh. 3, 4.

V The U/S submitted several applications to the authorities but to no purpose. The U/S therefore submitted a petition to his Excellency the Governor of

Bombay .....

Bombay on 28-12-18 bearing Jawak No. 108. Exh. 5

5,27,28,29,31 and 32

VI The undersigned brought to the notice of --- S.D.O. Mahalkheda,. The Executive Engineer and the Revenue Commissioner, C.D. on 15-3-1919 that the Canal Inspector Gopinath Vithal used canal water for wheat, gram, and -- lucern grass without any authority for his own benefit & in the lands of others. But no action was taken against him. Exh. 26.

VII The undersigned wrote to the Professor of Agricultural College, Poona asking his opinion as to -- whether the cultivator will suffer any loss if the water is not given at the proper times. The u/s received a --- reply from the Superintendent of Manjri Farm that the sugar-cane crop will be damaged. Exhs. 6 , 7.

VIII The U/S thereafter approached certain members of the then Legislative Council; Hon. Mr. Upasani --- requested the Government to put all the papers on Council table but the Government declined to do so. The undersigned was then advised to file a Civil Suit against the Government.

IX The Undersigned consulted Mr. B.G., Solicitor, Bombay (the present Prime Minister) who advised the undersigned to file a suit against the Government. The U/S served a notice under Sec. 80 of the Civil P.C. on the Collector of Ahmednagar through Mr. Kher and filed ~~suit in the Collector~~ a suit in Ahmednagar District Court on 15-6-1919. Ex. 8,9,10.

X The District Court and the High Court held that the Collector's decision about compensation was final and the Civil Court had no jurisdiction to entertain a suit in that respect. Exh. 24

XI .....

XI On seeing that the U/S cannot get any relief against the maltreatment meted out to him by the --- authorities of the department, they vindictively arranged never to give water to the undersigned.

XII In 1922 the undersigned had sown lucern .... grass but as he did not get water in May 1922 he went to S.D.O. Mahalkheda to inquire as to why water was -- stopped. He was made to understand that as the under signed filed a suit against the Government the department issued orders not to allow water to Mr. Vaze. vide a copy of the order attached hereto. Exh II

XIII The undersigned was the owner of a channel under Sec. 25. The U/S brought this to the notice kx of the department. He also pointed out that under Rule 2 Sub-Rule 3 framed under Sec. 70 of the Irrigation Act the Government could not legally withhold water on any ground.

XIV Owing to the aforesaid complaint the department managed to get the rule amended in December 1922.

XV The undersigned carried on correspondence with the Secretary of the Department. The Superintending Engineer, Poona informed the U/S by his No. 2948/23-5-24 that if the land be let out to any stranger the lessee will get water and Mr. Vaze. will not be given the benefit personally. Exh. 12

XVI The undersigned let out the land to Shan-kar Bhikaji Pawar and Narayan Darekar who applied for water Even their applications were rejected. Knowing full well that Darkar's application is rejected and that he was not given water, the department recovered the water cess, from him illegally. Exhs. 13,14,15.

XVII Being convinced that the U/S cannot get any justice the U/S wrote articles in the news-paper 'Swata ntrya' of Nasik to ventilate his grievances against the department Exh. 16,18,19,20,21,22.

XVIII .....

XVIII Having seen two articles in the Newspaper, Mr. Sule, the then Executive Engineer called the undersigned and requested him to stop the further writing and promised that all sorts of facilities of water will be given to his lessees; but the promise simply remained unfulfilled. Exh. 13,14,15.

XIX On the introduction of Block System, the U/S wrote to the Department to give block to his tenant. The department informed the undersigned that no block --- could be given to the undersigned as he was black listed. Exh 17 & 18

XX The undersigned published many articles in Swatantrya of Nasik citing many instances of corrupt --- practices, bribery etc. in Irrigation Department over his own signature. Had the allegations been false and frivolous, the undersigned and the Editor and Publisher and Printer of News paper ought to have been prosecuted. The undersigned demanded the same but the department had not the courage to do so. The undersigned had publicly sung certain Katavs narrating all the objectionable --- activities of the servants of the department in Baramati Conference. Though there were open allegations against the servants in their presence no action was taken against the undersigned. Exh. 30.

XXI The undersigned has quoted many instances of inhuman treatment to him. Nobody took any action against the callous officers but they were given protection. As the present Congress Government is the people's Government and as they have declared that they advocate the cause of the poor agriculturists rayat, the undersigned requests to remove his grievances. The U/S has put all the facts before them as he strongly hopes that all his grievances will be redressed and justice done to him by compensating him by awarding due and adequate damages.

A .....

A list of papers enclosed herewith is attached herewith. If ordered U/S. shall be personally present before you to explain everything in the matter.

14.2.38.

I beg to remain

Sir,

Your most obedient servant,.

V. V. Vaze.

1985/36/4075.

I.B.

Submitted.

2. Ref. is requested to (1) the chronological statement of facts and (2) grounds for defence re: the suit (viz. Ahmednagar Suit No. 2 of 1919) filed by Mr. Vaze against Govt. claiming Rs. 2,500 as damages in consequence of the failure of the Irrign. Deptt. to supply water to the plaintiff's crops from the Godavari Left Bank Canal. Rs. 1,500 were claimed for the loss alleged to have been done to his sugar cane crop owing to the interruption in the supply of water from the canal in the year 1916-17 and Rs. 1,000 as damages for the loss of his rabi crop in 1918 in consequence of the refusal of the Irrgn. authorities to supply water.

3. The chronological statement of facts and the grounds for defence ~~explain~~ explain the position clearly. As regards the claim of Rs. 1,500 for damages in connection with sugar cane crop in 1916-17 , the plaintiff himself is to be blame. He did not get water owing to his own fault in leaving the cannel in a bad state. As regards the claim of Rs. 1,000, for damages in respect of rabi crop in 1917-18 it appears that owing to some mistake the Irrign. authorities believed that by virtue of Govt. Reso.No.A.I.10635, dated 2-11-1917 they were entitled to treat the plaintiffs rabi lease sanctioned on Sept. 1917 as tenable for one year instead os six and that its term expired in Feb. 1918. The

Claim.....

claim was excessive.

4. The suit was dismissed with costs by the Dist. Judge, A'nagar on 20-9-1920. In 1921, the Plaintiff filed an/ appeal in the High Court against the decision of the Dist. Judge. The High Court confirmed the decree of the Lower Court and ~~id~~ dismissed the appeal with costs.

5. Mr. Vaze is blacklisted vide Ex. No. 17-(i.e.memo. from the Ex.Engr. Spl. Irrigation. Dn. No.D.14, dated 1-2-1926 addressed to Mr.Vaze).

6. Mr. Vaze now requests that all his grievances should be redressed and justice done to him by compensating him by awarding due and adequate damages.

7. It may be stated that Mr. Vave has failed to prove his case in the Court of Law and no compensation can now be granted him. What can possibly be done in his case is that his name may be removed from the black list and he may be treated again as ordinary irrigator. If this suggestion is approved the necy. instructions will be issued to the S.E., D.I.C. in the matter.

8. Mr. Vaze has sent a copy of his letter under disposal to the Chairman, I.I.C for perusal.

No compensation is due but Mr. Vaze may in future be allowed water ~~for~~ the same terms as other irrigations.

Id/-
29/3.

L.L.C.

Submitted.

2. There appears to be no specific authority under which an irrigator can be black-listed. In the present case Mr. Vaze was reported to be in the habit of using water in an unauthorised manner and allowing water to run to waste in spite of several warnings. He thus violated the Canal Rules and came within the purview of Section 61(9) of the Bombay Irrigation Act and also became liable to pay penal rates leviable under the Canal Rules. Mr. Vaze was further reported to be a quarrelsome and unruly irrigator. In the circumstances the only course which was open to this Department to bring him round was to withhold his water supply till a decided improvement in his attitude towards this Department was discernible. Moreover, it would seem that the authority which has power to sanction the supply of water to an irrigator can also exercise its discretion in continuing it or discontinuing it after the standing crop or crops come to maturity. Just as an irrigator is at liberty to take or not to take canal water as he likes, Government are also at liberty to supply or not to supply their canal water to a particular irrigator. As the local officers found Mr. Vaze to be a very troublesome irrigator they deemed it necessary to stop his water supply.

Id/-
7/4/38.

I -.....

I am afraid I do not agree with the reasoning in the office note. Black listing is in my opinion a form of vindictiveness and is in any case quite unnecessary when the law provides sufficient punishment for specific misbehaviour.

To.

I.B. for further disposal

~~I.B.~~

Submitted with ref. to O.M. dt. 30-3-38 with the necessary draft, for approval.

Id/-
11/4/38.

No.1985/36-I.
Public Works Department.
Bombay Castle, 23rd April 1938.

From

V.K. Manoarenhas, Esquire, B.E., I.S.E.,
Deputy Secretary to the Government of Bombay,
Public Works Department.

To

V. V. Vaze, Esquire,
Kopargaon.

Subject: Stoppage of the supply of water from the Godavari Canals.

Dear Sir,

With Reference to your letterdated the 14th February 1938, I am directed to state that your request for the payment of damages cannot be complied with. Instructions are, however, being issued to the local officers to treat you on the same footing as other irrigators.

2. The documents received with your letter under reply, are returned herewith.

Yours faithfully,

Sd/-

For Deputy Secretary to the Government of Bombay,
Public Works Department.

D.A.- Documents refd. to.

Copy, together with a copy of Mr.V.V.Vaze's letter under reply, forwarded, with compliments, to the Superintending Engineer, Deccan Irrigation Circle, for information and guidance.

L.I.C.

O.M.

1. The Irrigation Inquiry Committee was expected to finish its work by the middle of March 1938. It has however not completed its labour and it is likely to continue working in April 1938. The estimated expenditure on this Committee is thus likely to exceed.

2. As regards the estimated expendature of Rs. 150 on 'Contingencies' it may be observed that a considerable expenditure has already been incurred in the luggage & conveyance charges in respect of the Goverment while the Committee was on tour. Moreover outside typists had to be employed on piece work system as enormous typing work had to be done expeditiously in a short period. They will have to be similarly employed again shortly as further work has to be done. The rate at which they were to be paid before has been found to be too low to attract good typists. Hence higher payment will have to be made to them. In the circumstances the provision for Contingency may be increased to Rs. 500/-.

Thro' E.B.

E.B.

3. In the circumstances explained above, an addnl. allotment of Rs. 350 for contingent expdre. of the Committee during the year 1938-39 may be sanctioned in u.o. consultation with the F.D. as per draft put up for approval.

4.....

4. An allotment of Rs. 10,600 to cover the estimated expdre. of the Committee during 1937-38 has been sanctioned. The expdre. of the committee to be incurred during 1938-39 will either be met by reappropriation of funds of a supplementary demand will be asked for in due course.

Id/-
29/3/38.

No. 1985/36-E.
P.W.D., B.C., 11th April 1938.

Subject:- Expdre. on the Irrigation Inquiry Committee.

Memo.

In continuation of G.M.No.1985/36-E, dated the 23-2-38, the A.G. Bombay, is informed, with compliments, that a further allotment of Rs. 350 is sanctioned for contingent expdre. during the year 1938-39 of the irrigh. Inquiry Committee under the head '18-Other Rev. expdre. financed from ordinary Revenues - A- Irrign.Works (2) Misc. expdre. 'and is placed at the disposal of the Secy. of that Committee.

2. The requisite source from which the above allotment should be met will be pointed out in due course.

By order of the G. of B.

Copy tothe F.D. for information.

Id/-
29/3/38.

Id/-
30/3/38.

Id/-
31/3.

U.O to F.D. dt. 1st April 1938.

Finance Deptt.

The foregoing orders may be accepted.

Id/-
4/4/38.

U.O.R. to P.W.D. dt. 5-4-38.

SLK/9-5-56.
4.